

## **REMARKS**

This submission is in response to the Official Action mailed June 11, 2003. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

### **I. Status of the Claims**

Claims 19 and 20 have been added.

Claims 1-3, 5, 6, and 8-20 are pending.

Claims 1, 5, 6, and 8-10 have been amended.

Claims 1-3, 5, 6, and 8-18 stand rejected.

No new matter has been added.

### **II. Status of the Drawings**

Applicant would like to thank the Examiner for the approval of the drawing correction proposed in our response dated April 28, 2003. Applicant submits herewith a Submission of Formal Drawings.

### **III. Information Disclosure Statement**

The Examiner stated that the Information Disclosure Statements (IDS) filed January 18, 2002, and December 9, 2002, fail to include a concise explanation of the relevance of each non-English language patent in accordance with 37 C.F.R. §1.98(a)(3).

Document No. 4 (Japanese Patent Laid-open Publication No. 157515) of the Form PTO-1449 submitted on December 9, 2002, was cited in the English translation of the International Search Report. Therefore, a concise explanation of the relevance of Japanese Patent Laid-open Publication No. 157515 is found in the International Search Report previously submitted on April 19, 2001, copy enclosed.

Regarding Document Nos. 1 and 2 (Japanese Publication Nos. 08-014901 and 08-004985) of the Form PTO-1449 submitted on January 18, 2002, English language abstracts, copies enclosed, of the respective Japanese patents were previously submitted on April 19, 2001.

Regarding Document No. 4 (Chinese Laid-open Reference No. 296016) of the Form PTO-1449 submitted on January 18, 2002, Applicant is preparing a concise explanation for this document for submission under a separate cover.

#### **IV. 35 U.S.C. § 103(a) Rejection**

The Examiner has rejected claims 1-3, 5, 6, and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,407,295 to Kuhl in view of U.S. Patent No. 581,476 to Blanton Jr. Claims 11-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhl and Blanton Jr. in view of U.S. Patent No. 5,003,328 to Gaynor. These rejections are respectfully traversed, and reconsideration is requested since the cited references fail to disclose or teach all of the elements of the claimed invention.

The Examiner contends that Kuhl discloses telescoping tubular members in which a second tubular member is inserted in a first tubular member. The Examiner also states that Kuhl does not disclose tubular members having a cross section in the shape of an involute curve, but that Blanton Jr. teaches using tubular members having a cross section in the shape of involute curves. The Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuhl's tubular members to have an involute shape in order to obtain a desired fit, as taught by Blanton Jr.

Claims 1, 5, and 6 have been amended to recite "a receiving member in the bottom of said first tubular member; and a catching member on the outer surface of the upper end of said second tubular member, said catching member being adapted to catch said receiving member when said second tubular member projects to its fullest extent." The embodiment shown in Figs. 1 and 4 and described on page 11, lines 11-14, includes a receiving member 23 that has a thin-walled tubular shape and fits snugly in the lower end of the first tubular base member 21. The receiving member 23 as shown in Fig. 4 is shaped similar to, but slightly smaller than, the first tubular base member 21. As shown in Figs. 1 and 4 and described on page 13, lines 21-23, the catching member 36 also has a thin-walled tubular shape and fits snugly around the outer surface of the upper end of the second tubular base member 31. The catching member 36 as shown in Fig. 4 is shaped similar to, but slightly larger than, the second tubular base member 31, as described on page 14, lines 2-4.

The functions of the receiving and catching members are described in the present Specification from page 13, line 23, to page 14, line 2, "The catching member 36 is adapted to catch the receiving member 23 of the first tubular member 15 when the second tubular member 16 projects from the first tubular member 15 to its fullest extent." The second tubular member 16 moves with respect to the first tubular member 15, and when the second tubular member 16 projects from the first tubular member 15 at its fullest extent, the catching member 36 catches the receiving member 23.

The receiving and catching members are included "in order to prevent undesirable displacement of the second tubular member 16 from the first tubular member 15," as described in the present Specification on page 25, lines 2-9. Since the catching member catches the receiving member at approximately the same location as where the first and second tubular members are locked, i.e., pressed, undesirable displacement of the tubular members is prevented.

Kuhl and Blanton Jr. do not teach or disclose a tubular member including a receiving member and another tubular member including a catching member for catching the receiving member, respectively. Thus, Kuhl and Blanton Jr. fail to disclose all of the elements of the present invention, as set forth in claims 1, 5, and 6. Claims 2, 3, and 8-18 depend from claims 1, 5, and 6 and are therefore also patentable for at least the same reasons.

Furthermore, regarding claims 11-18, the Examiner states that Kuhl and Blanton Jr. do not disclose a tripod, but contends that Gaynor discloses a tripod

having telescoping members. Thus, the Examiner concludes that tripods having telescoping members are common. However, like Kuhl and Blanton Jr. as described above, Gaynor fails to disclose a receiving member and a catching member for preventing undesirable displacement of the tubular members.

Thus, the prior art cannot render the claims obvious. Applicant respectfully submits that the Examiner has not made a case of *prima facie* obviousness.

Based on the foregoing, the rejections of claims 1-3, 5, 6, and 8-18 under 35 U.S.C. § 103(a) should be withdrawn, and reconsideration is respectfully requested.


#### CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Dated: September 10, 2003

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